

## **AMENDMENTS TO THE CLAIMS**

The following listing of claims will replace all prior versions and listings of claims in the application.

### **LISTING OF CLAIMS**

1. (Currently Amended) A mulch shield for surrounding a trunk or stem of a plant, the mulch shield comprising:

a body having a bendable wall member for coiling around the trunk or stem of the plant;

an upper flange coupled to the body and extending therefrom in a radially outward and upward direction;

a lower flange coupled to the body and extending therefrom in a radially outward direction; and

closure means~~[[;]]~~ ,

wherein a slit is formed through the wall member, the upper flange and the lower flange that permits the body to be positioned in a first, generally C-shaped condition that is adapted to permit the mulch shield to be placed about the trunk or stem of the plant, and a second condition in which the ~~wall member encircles~~ body coils around the trunk or stem of the plant; and

wherein the closure means is operable for maintaining the body in the second condition.

2. (Currently Amended) The mulch shield of Claim 1, wherein the closure means includes a resilient characteristic of at least one of the body and the lower flange to bias the body towards the second condition.

3. (Original) The mulch shield of Claim 1, wherein the closure means includes at least one fastener that is employed to secure overlapping portions of the mulch shield to one another.

4. (Withdrawn) The mulch shield of Claim 3, wherein the fastener may be at least one of a rivet, a screw, a spike, an adhesive tape, a clip, a Christmas-tree retainer, a push-type retainer, and a hook-and-loop fastener.

5. (Withdrawn) The mulch shield of Claim 3, wherein a plurality of holes are preformed in at least one of the body and the lower flange for receiving the at least one fastener.

6. (Original) The mulch shield of Claim 3, wherein the fastener includes an aperture and a tab, wherein the aperture is formed into one of the overlapping portions and the tab is coupled to another one of the overlapping portions, the tab being configured to extend through the aperture to secure the overlapping portions to one another.

7. (Original) The mulch shield of Claim 1, wherein a plurality of cleats are formed on a lower surface of the lower flange.

8-9. (Canceled)

10. (Previously Presented) The mulch shield of Claim 1, wherein the upper flange is spaced apart from the lower flange by a predetermined distance that is associated with a desired mulch thickness.

11. (Original) The mulch shield of Claim 10, wherein the desired mulch thickness is about 3 inches to about 5 inches.

12. (Original) The mulch shield of Claim 1, further comprising at least one second body that is configured to be received into the body and telescopically moved with respect to the body between an extended position and a retracted position.

13-14. (Canceled)

15. (Previously Presented) The mulch shield of Claim 12, further comprising retaining means for retaining each at least one second body in the extended position.

16. (Original) The mulch shield of Claim 1, wherein the wall member is formed from a non-porous material.

17. (Original) The mulch shield of Claim 1, wherein a living hinge is formed in the wall member, the living hinge extending in a direction that is generally parallel to a longitudinal axis of the body.

18. (Original) The mulch shield of Claim 1, wherein at least a portion of the slit is generally parallel to a longitudinal axis of the body.

19. (Withdrawn) The mulch shield of Claim 1, wherein at least a portion of the slit is spirally shaped.

20. (Previously Presented) A method for protecting a tree trunk comprising:  
providing a mulch shield having a body and a lower flange, the body having a bendable wall member, the lower flange being coupled to the body and extending therefrom in a radially outward direction;

opening the mulch shield such that the body is generally C-shaped;

fitting the body about the tree trunk; and

releasing the body to permit the body to coil about the tree trunk and close so as to form a circumferentially extending collar about the tree trunk.

21. (Currently Amended) A mulch shield for surrounding a trunk or stem of a plant, the mulch shield comprising:

a body having a bendable wall member that is formed of a non-porous material;

a lower flange coupled to the body and extending therefrom in a radially outward direction;

a plurality of cleats that extend from a lower surface of the lower flange;

an upper flange coupled to the body and extending therefrom in a radially outward and upward direction; and

closure means[[:]] ,

wherein a slit is formed through the wall member, the lower flange and the upper flange that permits permitting the body to be positioned in a first, generally C-shaped condition that is adapted to permit the mulch shield to be placed about the trunk or stem of the plant, and a second condition in which the wall member encircles the trunk or stem of the plant; and

wherein the closure means is operable for maintaining the body in the second condition.